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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

06/26/2008

Frederick W. Gibb, III
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Annapolis, MD 21401

EXAMINER

TIV, BACKHEAN

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 06/26/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/732,736

12/10/2003

Ashish Kundu

JP920030195US1

6678

TITLE OF INVENTION: SYSTEMS, METHODS AND COMPUTER PROGRAMS FOR MONITORING DISTRIBUTED RESOURCES IN A DATA PROCESSING ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	09/26/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590

06/26/2008

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,736	12/10/2003	Ashish Kundu	JP920030195US1	6678

TITLE OF INVENTION: SYSTEMS, METHODS AND COMPUTER PROGRAMS FOR MONITORING DISTRIBUTED RESOURCES IN A DATA PROCESSING ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	09/26/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
TIV, BACKHEAN	2151	709-224000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 921 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 921 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/732,736

Applicant(s)

KUNDU, ASHISH

Examiner

Art Unit

BACKHEAN TIV

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/17/08.
2. ☒ The allowed claim(s) is/are 1,6,8-12,14,26-29,32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/John Follansbee/ SPE 2151

EXAMINERS AMENDMENT

An examiner Amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicant, an amendment may be filed as provided by 37 C.F.R 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Peter A. Balnave, Reg# 46,199, on June 17, 2008.

Please amend as follow:

1. (Currently Amended) A method for monitoring data resources of a data processing network on behalf of new consumer of monitoring data to the data processing network, said method comprising:
 - determining monitoring requirements of said new consumer, wherein said monitoring requirements include:
 - a list of data resources monitored for said new consumer;
 - metrics of said monitoring data for said new consumer;
 - a data format for monitoring data provided to said new consumer;
 - a time interval between periods of sending said monitoring data to said new consumer; and
 - actions taken during failure of said data resource;
 - comparing the monitoring requirements of the new consumer with monitoring capabilities of a plurality of monitoring entities to identify at least one monitoring entity including monitoring capabilities matching the monitoring requirements of the new consumer, wherein:
 - said monitoring entities monitor said data resources of said data processing network; and said monitoring capabilities including one or more of:
 - a current set of data resources being monitored by each of said plurality of monitoring entities;

a set of data resources which each of said plurality of monitoring entities is capable of monitoring;

monitoring metrics which each of said plurality of monitoring entities is currently monitoring;

monitoring metrics which each of said plurality of monitoring entities is capable of currently monitoring;

a current monitoring period; and

data format capabilities of each of said plurality of monitoring entities; and

in response to identifying at least one monitoring entity of said plurality of monitoring entities including monitoring capabilities matching the monitoring requirements of the new consumer, selecting at least one of the identified monitoring entities and binding the new consumer to the selected at least one of the identified monitoring entities,

wherein binding said new consumer to said selected at least one of the identified monitoring entities comprises establishing a connection between said new consumer and said selected at least one of the identified monitoring entities, sending a description of the new consumer's monitoring requirements to said selected at least one of the identified monitoring entities, and configuring said selected at least one of the monitoring entities to perform said new consumer's monitoring requirements; and

in response to a failure to identify at least one of the monitoring entities having monitoring capabilities matching all monitoring requirements of the new consumer, initiating a negotiation between the new consumer and a plurality of monitoring entities to select a best match, relative to other matches based on quality of service parameters, between the monitoring requirements of the new consumer and the monitoring capabilities of the plurality of monitoring entities.

2-5. (Cancelled).

6. (Currently Amended) The method according to claim 1, ~~all the limitations of which are incorporated herein by reference~~, wherein the comparing requirements with capabilities comprises comparing a required monitoring granularity with monitoring granularity capabilities of each of the plurality of monitoring entities.

7. (Cancelled).

8. (Currently Amended) The method according to claim 1, ~~all the limitations of which are incorporated herein by reference~~, further comprising:

the new consumer sending a description of its monitoring requirements to a repository;

the plurality of monitoring entities sending descriptions of their respective monitoring capabilities to the repository; and

storing the descriptions of requirements and capabilities in the repository;
wherein the comparing comprises comparing the descriptions of requirements and capabilities stored in the repository.

9. (Currently Amended) The method according to claim 8, ~~all the limitations of which are incorporated herein by reference~~, further comprising creating a binding document describing the monitoring performed for the new consumer by the selected at least one of the monitoring entities, and sending the binding document to the repository.

10. (Currently Amended) The method according to claim 8, ~~all the limitations of which are incorporated herein by reference~~, wherein the descriptions of monitoring entities' capabilities comprise a list of the metrics currently being monitored for each of said list of monitored data resources.

11. (Currently Amended) The method according to claim 10, ~~all the limitations of which are incorporated herein by reference~~, wherein the descriptions of said monitoring

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entities' capabilities comprise currently active monitoring parameters for each monitoring metric.

12. (Currently Amended) The method according to claim 10, ~~all the limitations of which are incorporated herein by reference~~, wherein the descriptions of said monitoring entities' capabilities comprise the data format for each monitoring metric.

13. (Cancelled).

14. (Currently Amended) The method according to claim 1, ~~all the limitations of which are incorporated herein by reference~~, further comprising:

using a common sub-expression finder module to identify a monitoring entity having at least one sub-expression in common with the new consumer, and selecting the monitoring entity having the at least one common sub-expression.

15-25. (Cancelled).

26. (Currently Amended) A data processing system for monitoring resources of a data processing network, comprising:

a data storage unit for storing:

monitoring requirements of a new consumer, said monitoring requirements including:

a list of data resources monitored for said new consumer;

metrics of said monitoring data for said new consumer;

a data format for monitoring data provided to said new consumer;

a time interval between periods of sending said monitoring data to said new consumer; and

actions taken during failure of said data resource; and

monitoring capabilities of each of a plurality of monitoring entities, including at least one monitoring entity matching the monitoring requirements of the new consumer, said monitoring capabilities including one or more of:

- a current set of data resources being monitored by each of said plurality of monitoring entities;

- a set of data resources which each of said plurality of monitoring entities is capable of monitoring;

- monitoring metrics which each of said plurality of monitoring entities is currently monitoring;

- monitoring metrics which each of said plurality of monitoring entities is capable of currently monitoring;

- a current monitoring period; and

- data format capabilities of each of said plurality of monitoring entities; and

a monitoring manager, responsive to monitoring requirements of said new consumer, for comparing the monitoring requirements of the new consumer with monitoring capabilities of said plurality of monitoring entities stored in the data storage unit to identify at least one monitoring entity including monitoring capabilities matching the monitoring requirements of the new consumer, wherein said monitoring entities monitor said data resources of said data processing network; and

in response to identifying at least one monitoring entity of said plurality of monitoring entities including monitoring capabilities matching the monitoring requirements of the new consumer, selecting at least one of the identified monitoring entities and binding the new consumer to the selected at least one of the identified monitoring entities,

wherein binding said new consumer to said selected at least one of the identified monitoring entities comprises establishing a connection between said new consumer and said selected at least one of the identified monitoring entities, sending a description of the new consumer's monitoring requirements to said selected at least one

of the identified monitoring entities, and configuring said selected at least one of the monitoring entities to perform said new consumer's monitoring requirements; and
in response to a failure to identify at least one of the monitoring entities having monitoring capabilities matching all monitoring requirements of the new consumer,
initiating a negotiation between the new consumer and a plurality of monitoring entities to select a best match, relative to other matches based on quality of service parameters,
between the monitoring requirements of the new consumer and the monitoring capabilities of the plurality of monitoring entities.

27. (Currently Amended) The data processing system according to claim 26, ~~all the limitations of which are incorporated herein by reference,~~ wherein the monitoring manager comprises:

- a component for handling registration and de-registration of new and existing consumers, respectively;

- a selector for selecting at least one monitoring entity of said plurality of monitoring entities for said new consumer; and

- a connection manager for establishing a connection between the new consumer and the selected at least one monitoring entity.

28. (Currently Amended) The data processing system according to claim 26, ~~all the limitations of which are incorporated herein by reference,~~ wherein the monitoring manager further comprises a resource optimizer for determining at least one of said plurality of monitoring entities capable of generating said monitoring metrics from data measured for a data resource, according to said monitoring requirements.

29. (Currently Amended) A distributed data processing system comprising:

- a set of data processing apparatuses each comprising at least one resource;

- a set of data processing apparatuses each comprising at least one new consumer requiring monitoring data for a resource;

at least one data storage unit for storing a repository of monitoring requirements of the new consumer and existing consumers, and for storing monitoring capabilities of each of a plurality of monitoring entities, said monitoring requirements of the new consumer including:

a list of data resources monitored for said new consumer;

metrics of said monitoring data for said new consumer;

a data format for monitoring data provided to said new consumer;

a time interval between periods of sending said monitoring data to said new consumer; and

actions taken during failure of said data resource; and

said monitoring capabilities of each of a plurality of monitoring entities, including at least one monitoring entity matching the monitoring requirements of the new consumer, said monitoring capabilities including one or more of:

a current set of data resources being monitored by each of said plurality of monitoring entities;

a set of data resources which each of said plurality of monitoring entities is capable of monitoring;

monitoring metrics which each of said plurality of monitoring entities is currently monitoring;

monitoring metrics which each of said plurality of monitoring entities is capable of currently monitoring;

a current monitoring period; and

data format capabilities of each of said plurality of monitoring entities; and

a monitoring manager, responsive to the monitoring requirements of said new consumer, for comparing the monitoring requirements of the new consumer with monitoring capabilities of said plurality of monitoring entities stored in the data storage unit to identify at least one monitoring entity including monitoring capabilities matching the monitoring requirements of the new consumer, wherein said monitoring entities monitor said data resources of said data processing network; and

in response to identifying at least one monitoring entity of said plurality of monitoring entities including monitoring capabilities matching the monitoring requirements of the new consumer, selecting at least one of the identified monitoring entities and binding the new consumer to the selected at least one of the identified monitoring entities,

wherein binding said new consumer to said selected at least one of the identified monitoring entities comprises establishing a connection between said new consumer and said selected at least one of the identified monitoring entities, sending a description of the new consumer's monitoring requirements to said selected at least one of the identified monitoring entities, and configuring said selected at least one of the monitoring entities to perform said new consumer's monitoring requirements; and

in response to a failure to identify at least one of the monitoring entities having monitoring capabilities matching all monitoring requirements of the new consumer, initiating a negotiation between the new consumer and a plurality of monitoring entities to select a best match, relative to other matches based on quality of service parameters, between the monitoring requirements of the new consumer and the monitoring capabilities of the plurality of monitoring entities.

30-31. (Cancelled).

32. (Currently Amended) ~~A program device readable by machine, tangibly embodying a program of instructions executable by said machine~~ computer storage device tangibly storing instructions executable by a computer to perform a method for monitoring data resources of a data processing network on behalf of new consumer of monitoring data to the data processing network, said method comprising:

determining monitoring requirements of said new consumer, wherein said monitoring requirements include:

- a list of data resources monitored for said new consumer;
- metrics of said monitoring data for said new consumer;
- a data format for monitoring data provided to said new consumer;

a time interval between periods of sending said monitoring data to said new consumer; and

actions taken during failure of said data resource;

comparing the monitoring requirements of the new consumer with monitoring capabilities of a plurality of monitoring entities to identify at least one monitoring entity including monitoring capabilities matching the monitoring requirements of the new consumer, wherein:

said monitoring entities monitor said data resources of said data processing network; and

said monitoring capabilities including one or more of:

a current set of data resources being monitored by each of said plurality of monitoring entities;

a set of data resources which each of said plurality of monitoring entities is capable of monitoring;

monitoring metrics which each of said plurality of monitoring entities is currently monitoring;

monitoring metrics which each of said plurality of monitoring entities is capable of currently monitoring;

a current monitoring period; and

data format capabilities of each of said plurality of monitoring entities; and

in response to identifying at least one monitoring entity of said plurality of monitoring entities including monitoring capabilities matching the monitoring requirements of the new consumer, selecting at least one of the identified monitoring entities and binding the new consumer to the selected at least one of the identified monitoring entities,

wherein binding said new consumer to said selected at least one of the identified monitoring entities comprises establishing a connection between said new consumer and said selected at least one of the identified monitoring entities, sending a description of the new consumer's monitoring requirements to said selected at least one

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of the identified monitoring entities, and configuring said selected at least one of the monitoring entities to perform said new consumer's monitoring requirements; and in response to a failure to identify at least one of the monitoring entities having monitoring capabilities matching all monitoring requirements of the new consumer, initiating a negotiation between the new consumer and a plurality of monitoring entities to select a best match, relative to other matches based on quality of service parameters, between the monitoring requirements of the new consumer and the monitoring capabilities of the plurality of monitoring entities.

33. (Cancelled).

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art does not teach,

A method for monitoring data resources of a data processing network on behalf of new consumer of monitoring data to the data processing network, said method comprising: determining monitoring requirements of said new consumer, wherein said monitoring requirements include: a list of data resources monitored for said new consumer; metrics of said monitoring data for said new consumer; a data format for monitoring data provided to said new consumer; a time interval between periods of sending said monitoring data to said new consumer; and actions taken during failure of said data resource; comparing the monitoring requirements of the new consumer with monitoring capabilities of a plurality of monitoring entities to identify at least one monitoring entity including monitoring capabilities matching the monitoring requirements

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of the new consumer, wherein: said monitoring entities monitor said data resources of said data processing network; and said monitoring capabilities including one or more of: a current set of data resources being monitored by each of said plurality of monitoring entities; a set of data resources which each of said plurality of monitoring entities is capable of monitoring; monitoring metrics which each of said plurality of monitoring entities is currently monitoring; monitoring metrics which each of said plurality of monitoring entities is capable of currently monitoring; a current monitoring period; and data format capabilities of each of said plurality of monitoring entities; and in response to identifying at least one monitoring entity of said plurality of monitoring entities including monitoring capabilities matching the monitoring requirements of the new consumer, selecting at least one of the identified monitoring entities and binding the new consumer to the selected at least one of the identified monitoring entities, wherein binding said new consumer to said selected at least one of the identified monitoring entities comprises establishing a connection between said new consumer and said selected at least one of the identified monitoring entities, sending a description of the new consumer's monitoring requirements to said selected at least one of the identified monitoring entities, and configuring said selected at least one of the monitoring entities to perform said new consumer's monitoring requirements; and in response to a failure to identify at least one of the monitoring entities having monitoring capabilities matching all monitoring requirements of the new consumer, initiating a negotiation between the new consumer and a plurality of monitoring entities to select a best match, relative to other matches based on quality of service parameters, between the monitoring

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requirements of the new consumer and the monitoring capabilities of the plurality of monitoring entities.

Note: As per claim 32, recites, "A computer storage device tangibly storing instructions executable by a computer". The computer storage device is limited to hardware, e.g. memory, optical/magnetic disk, as defined by the specification para. 0039. Therefore does not raise 101 issues.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151